

Message Text

SECRET

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43

ACTION SS-25

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O R 141630Z JAN 76

FM USMISSION USBERLIN

TO AMEMBASSY BONN IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 1874

AMEMBASSY LONDON

AMEMBASSY NEW DELHI

AMEMBASSY OTTAWA

AMEMBASSY PARIS

USMISSION IAEA VIENNA

AMCONSUL BOMBAY

S E C R E T USBERLIN 0077

EXDIS

E O 11652: GDS

TAGS: EMAE, ETRD, PARM, ECH, PGOV, GW, WB

SUBJ: BORSIG CASE AND NUCLEAR SUPPLIERS' GROUP TRIGGER LIST

REF: BONN 00664

1. WE CONCUR THAT, FOR WHAT WE KNOW OF POLICY GUIDELINES IN QUESTION, IT WOULD NOT BE APPROPRIATE FOR FRG TO INCLUDE "BERLIN CLAUSE" IN ITS NOTE TO OTHER MEMBERS OF SUPPLIERS' GROUP. ONLY ALLIED KOMMANDATURA HAS LEGAL RESPONSIBILITY TO TAKE ULTIMATE DECISIONS FOR BERLIN IN THIS AREA, INCLUDING DECISION ON BORSIG APPLICATION. WE HOPE THAT IF FRG RAISES ISSUE IN BONN GROUP ALLIED RESPONSE WILL NOT BE SO NEUTRAL AS TO SUGGEST THAT, BECAUSE OF BORSIG CASE, WE WOULD BE SYMPATHETIC TO EXPANSION OF FRG'S INTERNATIONAL ASSERTIONS IN THIS FIELD WITH RESPECT TO BERLIN.

2. LEAVING QUESTION OF POSITION FRG TAKES WITH RESPECT TO OTHER MEMBERS OF SUPPLIER'S GROUP, INCLUDING SOVIETS, ASIDE, HOWEVER, FACT REMAINS THAT SENAT LICENSING OFFICE

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WOULD NORMALLY EXPECT TO RECEIVE WHAT IS IN EFFECT

ADVISORY OPINION OF OFFICE RESPONSIBLE FOR EQUIVALENT DECISIONS IN FRG. NEW SUPPLIERS' GROUP GUIDELINES AND PRESENCE OR ABSENCE OF BERLIN CLAUSE IN FRG NOTE DOES NOT CHANGE THIS FACT OF DOMESTIC POLITICS AND SENSITIVITIES. WE DOUBT THAT FRG WOULD WISH TO ARGUE THAT BECAUSE IT CANNOT MAKE REPRESENTATIONS TO OTHER MEMBERS OF SUPPLIERS' GROUP ON BEHALF OF BERLIN, IT SHOULD RENOUNCE LONG-STANDING PRACTICE OF PROVIDING VIEWS TO SENAT. THIS WOULD BE CONTRARY TO STANDARD FRG POSITION ON LEGAL UNITY AND TIES.

3. BONN'S RECOMMENDATIONS IN PARAS 8 AND 9 ARE A SUITABLE BEGINNING. (WE NOTE THEY WERE ENDORSED BY STATE 009586.) ONCE WE HAVE ASCERTAINED FRG RATIONALE AND INTENTIONS, UNLESS THERE ARE SURPRISES IN WHAT WE LEARN, WE THINK ALLIES SHOULD AGREE THAT A BERLIN CLAUSE WOULD BE INAPPROPRIATE IN THE FRG NOTE. INDEPENDENT OF THAT, ALLIED KOMMANDATURA WOULD BE PREPARED TAKE FORMAL POSITION ON BORSIG APPLICATION IF REQUESTED BY SENAT. ALLIES WOULD ASSUME, HOWEVER, THAT FRG'S AMT FUER GEWERBLICHE WIRTSCHAFT WOULD CONTINUE PRACTICE OF MAKING FRG VIEWS BOTH IN BORSIG CASE AND FUTURE CASES AND THAT, EVEN THOUGH IT CANNOT SO STATE FORMALLY TO OTHER MEMBERS OF SUPPLIERS' GROUP, FRG WOULD PROVIDE ADVISORY OPINIONS TO SENAT CONSISTENT WITH GUIDELINES IT HAS ACCEPTED. IF THIS IS DONE, WE WOULD EXPECT THAT SENAT WOULD ACT NEGATIVELY ON BORSIG, APPLICATION AND WITHDRAW APPLICATION FROM ALLIED KOMMANDATURA. GEORGE

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